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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,551	01/26/2001	Brian L. Arend	1801/USW0596PUS	6404

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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT

PAPER NUMBER

2686

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/770,551

Applicant(s)

AREND ET AL.

Examiner

Naghmeh Mehrpour

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Information Disclosure Statement

1. The information disclosure statement filed reference listed in the information Disclosure submitted on 01/26/01 have been considered by the examiner (see attached PTO-1449).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 7, 9, 11-13, 15, 17, 19, 22, are rejected under 35 U.S.C. 102(e) as being anticipated by Harris et al. (US Patent Number 6,222,458 B1).

Regarding claim 1, Harris teaches a method for inhibiting wireless telecommunication within a limited region (protected area, col 3 lines 21-24) of the telecommunication coverage (1-6 miles),(see figure 1, col 2 lines 20-30) comprising generating a noise signal (alarm or white/pink noise) within a frequency range (cellular phone frequency of interest), (col 3 lines 45-53) the wireless telecommunications device (cellular phone in the vehicle) broadcasting the noise signal (white noise) into the region 200 (see figure 2, col 3 lines 3-12).

Regarding claims 4,15, Harris teaches a method/system wherein the wireless telecommunications is through spread spectrum(CDMA), the noise signal generated substantially across the spread spectrum (CDMA) (col 1 lines 45-54). The CDMA is known as the principle of the spread spectrum communications properties.

Regarding claims 7, 9, 17, 19, Harris inherently teaches a method/system for inhibiting wireless telecommunications (col 3 lines 20-24), the region is the inside of an automatic vehicle (col 3 lines 11-5).When the vehicle enters the gas station area, the cellular phone therefore is disabled inside of the vehicle region which is now within the gas station area.

Regarding claims 11, 21, Harris teaches a method/system for inhibiting wireless telecommunications (col 2 lines 51-53) comprising: controlling broadcasting the noise signal based on detecting at least one condition (presence of RF emission, when vehicle entering the gas station) of the automotive vehicle (col 3 lines 3 lines 5-11, lines 20-24).

Regarding claims 12-13, 22, Harris teaches a system for inhibiting wireless telecommunications within a limited region of the telecommunications coverage (1-6 miles) (see figure 1) comprising: a radio frequency noise generator 226 (col 3 line 51), generating a noise signal (white/pink noise, col 3 line 50 ) covering at least one frequency range (see figure 1, RF frequencies) of the wireless telecommunication; at least one antenna 228 generates noise (col 3 lines 50-53), and the antenna 228 broadcasting the noise signal into the region 200 (see figure 2,

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col 3 lines 50-53); and control logic 105 operative to initiate or suspend broadcasting of the noise signal (alarm) based on at least one control input (gas station area) (see figure 2, col 3 lines 45-60).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identify disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al. (US Patent Number 6,222,458 B1).

Regarding claims 8, 18, Harris teaches a method/system for inhibiting wireless telecommunications (col 2 lines 51-53). Harris fails to teach that the region is inside of an aircraft. However the Examiner takes official notice that a mobile phone which broadcasting noise signals inside of an aircraft is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching with Harris, in order to warn the user that the cellular phone does not operate in prohibited areas such as the inside of an aircraft in flight.

6. Claims 2, 14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al. (US Patent Number 6,222,458 B1) in view of Richardson (US Patent Number 4,498,193).

Regarding claims 2,14, Harris teaches a method/system for inhibiting wireless telecommunications comprising: a jammer which is driven by white or pink noise from noise generator 226. RF transmitter 228 transmits white or pink noise across the entire frequency band over which cellular phone transmit and receive (col 3 lines 45-53). White noise is spread in the wideband spectrum. Harris does not specifically mention a band pass filter accepting the wideband noise signal and producing the noise signal within the frequency range of the wireless telecommunication. However Richardson teaches a noise generate 1 which is arranged to produce a signal at 25 kHz (wideband) (see figure 1, col 2 lines 52-68, col 3 lines 3-5), and a bandpass filter 4, that accepts the wideband noise signal and produces the noise signal within the frequency range of the wireless telecommunication (col 1 lines 45-61, col 2 lines 3-6). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Richardson with Harris, in order to provide a front end receiver for a wideband communication signal which is easy to implement and over comes signal gain.

7. Claims 3, 5-6, 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al. (US Patent Number 6,222,458 B1) in view of GEYRA (International Publication WO 98/34412).

Regarding claim 3, Harris teaches a method for inhibiting wireless telecommunication system comprising: broadcasting a noise signal (col 2 lines 19-20). Harris fails to teach that the

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telecommunication system broadcasts noise via at least one directional antenna to inhibit communication within a limited region. However GEYRA teaches a telecommunication system for inhibiting wireless communication that includes broadcasting noise via at least one directional antenna to inhibit communication within a limited region (page 3 line 13-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of GEYRA with Harris's teaching, in order to provide disabling a wireless cellular phone that is restricted to a specific confined area.

Regarding claim 5, Harris fails to teach a method/system wherein controlling broadcasting a noise signal based on a public event. However GEYRA teaches a communication method/system wherein controlling the broadcasting of a noise signal is based on a public event (col 3 lines 13-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of GEYRA with Harris's teaching, in order to restrict for the operation of the cellular phone within public areas.

Regarding Claims 6, 16, Harris fails to teach a method wherein broadcasting of a noise signal is automatically based on at least one condition of the public event. However GEYRA teaches a method wherein broadcasting of a signal is automatically (page 1 lines 17-21, page 3 lines 14-19) based on at least one condition of a public event (page 6 lines 5-8). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of GEYRA with Harris's teaching, in order to warn the user that the cellular phone does not operate in prohibited areas, such as public gatherings.

8. Claims 10, 20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al. (US Patent Number 5,428,668) in view of Kushita (US Patent Number 6,570,689).

Regarding claims 10, 20, Harris teaches a method/system that broadcasting a noise signal within a frequency range with in a region (col 3 lines 5-11). Harris fails to teach a method/system that broadcasting a noise signal based on detecting the presence of a telephone in a cradle. However Kushita teaches a method/system wherein when attachment of the portable telephone to the cradle is detected the drive mode is cancelled, or while the automobile is traveling, hand-free speech communication can be inhibited (col 9 lines 10-25). Since Harris teaches a method of generating noise while disabling the cellular phone in a predefined area, and Kushita teaches a method of disabling the telephone when detection is resulted in the presence of the telephone on a cradle. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Kushita with Harris's teaching, in order to provide a system that can deter theft of radio telephones mounted within vehicle cradles.

### **Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Flick** (US Patent 6,429,768 B1) disclose vehicle control system including transponder jammer and related method

**Valongo** (International Publication Wo/9818232) disclose cellular telephone jamming method and device



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**Heinonen et al.** (US Patent Number 6,438,385 B1) disclose mobile communication devices

**Neustein** (US Patent Number 5,224,150) disclose paging system

**Takemura** (US Patent Number 6,163,695) disclose mobile communication system and mobile communication method

**Pousada Carballo et al.** (US Patent Number 6,393,254 B1) disclose disabler for mobile communication

**Vanttinen** (US patent Number 2001/00098) disclose location of subscriber terminal in packet switched radio system

10. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications indented for entry)

**Or:**

(703) 308-6306, (for informal or draft communications, please label

“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II. 2121 Crystal Drive, Arlington. Va., sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The

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examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

If attempt to reach the examiner are unsuccessful the examiner's supervisor, Marsha Harold-Banks be reached (703)308-5576.

NM

Oct 10, 2003

  
**CHARLES APPIAH**  
**PRIMARY EXAMINER**